

### REMARKS

Applicant respectfully requests reconsideration of the above-identified application and entry of the after-final amendment pursuant to 37 C.F.R. § 1.116. Clarifying amendments have been made to Claims 6-8, 10, 11, 21, 22, and 24. Claims 1-5 have been canceled, and new Claim 25 has been added. Thus, Claims 6-11, 15, and 21-25 are pending in the present application. Applicant acknowledges with appreciation that Claims 15 and 23 are allowed and that Claims 7-11 and 24 have been deemed to contain allowable subject matter.

Claim 6 was rejected in a November 15, 2004, Office Action ("Office Action") under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,958,831, issued to Kim ("Kim"). Claims 1, 4, and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,480,366, issued to Harnden et al. in view of U.S. Patent No. 5,382,208, issued to Hu ("Hu"). Claim 22 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,042,795, issued to Bursik ("Bursik") in view of Kim. Claim 21 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 10 and 24 were objected to based on minor informalities. Applicant respectfully submits that the claims, as amended, are in condition for allowance. The reasons why applicant believes the claims of the present application are in condition for allowance are discussed in detail below.

#### Claim Objections

Claims 10 and 24 stand objected to for minor informalities. Specifically, the Examiner suggests at Claim 10, line 2, to delete the phrase "the wheel base of the bicycle frame" and insert "to the bicycle frame's wheel base." In response to the claim objection, applicant has deleted the phrase "wheel base of the bicycle frame." The Examiner further suggests at Claim 24, line 3, to delete the phrase "the bicycle frame" and insert the phrase "a bicycle." In response to this claim objection, applicant has amended Claim 24 to recite "a bicycle frame." Accordingly, applicant respectfully requests withdrawal of the claim objections to Claims 10 and 24.

#### Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Claim 21 stands rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states that several recited limitations lack antecedent basis. Accordingly, applicant

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has amended Claim 21 to delete the phrases "having a transmission including a flexible drive element", "for creating resistance against the transmission", "for selectively tensioning the flexible drive element", and "a portion of which supports the flexible drive element." Accordingly, applicant respectfully requests withdrawal of the rejection to Claim 21 under 35 U.S.C. § 112, second paragraph.

Claim Rejections Under 35 U.S.C. § 102

Claim 6 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Kim. Applicant respectfully traverses the rejection to this claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). For at least the following reasons, applicant respectfully asserts that the claimed combination of features recited in Claim 6 is neither taught nor suggested by the cited prior art.

Amended Claim 6

Claim 6 has been amended to recite a support frame having a first rear mounting structure adapted to be connected to a bicycle frame and a second rear mounting structure to which a flywheel is rotatably mounted. Claim 6 was further amended to recite that the support frame includes a device for selectively adjusting the distance between the first rear mounting structure and the second rear mounting structure.

Kim is directed to a stationary exercising bicycle apparatus. Kim purportedly teaches a bike unit B-3 mounted to a road device unit R-5. The bike unit B-3 includes a drive sprocket drivingly connected to an axled wheel member 940 via a conventional drive chain member 995. The wheel member 940 is mounted vertically above and rests directly on the rotating road means 710. The apparatus of Kim includes a spring loaded chain tension adjusting means 944. See Figures 1 and 3. Kim, however, fails to disclose a first rear mounting structure adapted to be connected to a bicycle frame, a second rear mounting structure to which a flywheel is rotatably connected, and a device that selectively adjusts the distance between the first and second rear mounting structures.

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It is clear from the foregoing that Kim fails to teach the recited combination of features of amended Claim 6. Thus, applicant respectfully requests withdrawal of the pending rejection under 35 U.S.C. § 102(b) with regard to Claim 6.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1, 4, and 5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harnden et al. in view of Hu. Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harnden et al. in view of Hu and further in view of Baatz. Claim 22 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Bursik in view of Kim. Applicant has canceled Claims 1-5, thus rendering the rejections to these claims moot. Applicant respectfully traverses the rejection to Claim 22.

Claim 22

Claim 22 has been amended to recite a support frame having a bicycle frame mounting structure and a flywheel mounting structure, a bicycle frame having rear fork members detachably coupled to the bicycle frame mounting structure of the support frame about a common first axis, a flywheel rotatably coupled about a second axis to the flywheel mounting structure of the support frame in-between the rear fork members of the bicycle frame, wherein the second axis is different from the first axis, and a transmission including a flexible drive element. Claim 22 has been further amended to recite that the support frame includes a tensioning device for selectively tensioning the flexible drive element "by adjusting the distance between the first and second axes."

As discussed above with regard to Claim 6, Kim teaches a spring loaded chain tension adjusting means 944 that tensions a conventional drive chain member 995. See Figure 3. However, Kim fails to teach a tensioning device that selectively tensions the flexible drive element by adjusting the distance between the axis of the head tube member 780 or the seat tube member 810 and the axis of the axled rotating road means 710. Applicant further asserts that Bursik fails to teach the deficiencies of Kim.

Under Section 103, a *prima facie* case of obviousness is established only if the cited references, alone or in combination, teach each of the limitations of the recited claims. *In re Bell*, 991 F.2d 781 (Fed. Cir. 1993). As was discussed above, Applicant asserts that the

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proposed combination of Bursik and Kim fails to teach or suggest each and every recited element of amended Claim 22. Accordingly, applicant asserts that a *prima facie* case of obviousness has not been established. Therefore, applicant respectfully requests the pending rejection of Claim 22 under 35 U.S.C. § 103(a) be withdrawn.

#### New Claim 25


New Claim 25 has been added to particularly point out and distinctly claim the novel aspects of the present invention. Applicant respectfully asserts that the newly submitted claim recites a combination of features neither taught nor suggested by the prior art. Accordingly, applicant respectfully submits that new Claim 25 is in condition for allowance.

#### CONCLUSION

In light of the foregoing amendments and remarks, applicant submits that all of the claims of the present application are in condition for allowance. Thus, applicant respectfully requests entry of the amendments pursuant to 37 C.F.R. § 1.116, and the allowance of all pending claims. If any further questions remain, the Examiner is invited to telephone applicant's attorney at the number listed below.

Respectfully submitted,

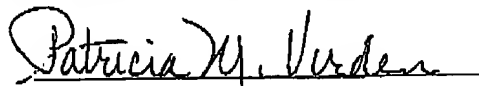
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I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, Group Art Unit 3764, Examiner T.M. Nguyen, at facsimile number 703.306.4520 on January 18, 2005.

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